IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 18231 of 2007(U)

IA.356/2007 of MUNSIF COURT, KANJIRAPPALLY
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PETITIONER:

RAJAN NAIR, AGED 42 YEARS,
S/O KESAVAN NAIR, PONTHANCKAL HOUSE,
CHAMAMPATHAL BHAGOM, VAZHOOR VILLAGE AND KARA,
KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENT:

NARAYANADAS, S/O SANKARAN,
PEZHATHOLIL HOUSE, KADAYANICKADU KARA,
VELLAVOOR VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN,J

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W.P.(C).No.18231 of 2007

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Dated this the 14th day of June, 2007

JUDGMENT

This writ petition is filed seeking to quash Ext.P3 order passed by the Munsiff, Kanjirappally. The defendant is the applicant before the trial court for setting aside ex parte decree after condonation of delay of 104 days. The condonation application was numbered as I.A.No.535 of 2007 and the application to set aside ex parte decree was numbered as I.A.No. 536 of 2007. The trial court had dismissed both the applications. It is the settled principle that when an order is passed under Order 9 Rule 13 of the Code of Civil Procedure, it is an appealable order under Order 43 Rule 1 (d). So when there is a clear statutory right for the writ petitioner to challenge the order, this writ petition is not maintainable and therefore it is dismissed. I make it clear that the writ petitioner will be entitled to proceed in accordance with law to have his grievances ventilated.

M.N.KRISHNAN,JUDGE

dvs